

1-1 By: Whitmire, Ellis S.B. No. 107
1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
1-3 read first time and referred to Committee on Education; April 7,
1-4 2015, rereferred to Committee on Criminal Justice; April 20, 2015,
1-5 reported adversely, with favorable Committee Substitute by the
1-6 following vote: Yeas 6, Nays 0; April 20, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry		X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 107 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the designation of campus behavior coordinators to
1-20 serve at public school campuses and issues to be considered when
1-21 removing a student from class.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter A, Chapter 37, Education Code, is
1-24 amended by adding Section 37.0012 to read as follows:

1-25 Sec. 37.0012. DESIGNATION OF CAMPUS BEHAVIOR COORDINATOR.

1-26 (a) A person at each campus must be designated to serve as the
1-27 campus behavior coordinator. The person designated may be the
1-28 principal of the campus or any other campus administrator selected
1-29 by the principal.

1-30 (b) The campus behavior coordinator is primarily
1-31 responsible for maintaining student discipline and the
1-32 implementation of this subchapter.

1-33 (c) Except as provided by this chapter, the specific duties
1-34 of the campus behavior coordinator may be established by campus or
1-35 district policy. Unless otherwise provided by campus or district
1-36 policy:

1-37 (1) a duty imposed on a campus principal or other
1-38 campus administrator under this subchapter shall be performed by
1-39 the campus behavior coordinator; and

1-40 (2) a power granted to a campus principal or other
1-41 campus administrator under this subchapter may be exercised by the
1-42 campus behavior coordinator.

1-43 (d) The campus behavior coordinator shall promptly notify a
1-44 student's parent or guardian as provided by this subsection if
1-45 under this subchapter the student is placed into in-school or
1-46 out-of-school suspension, placed in a disciplinary alternative
1-47 education program, expelled, or placed in a juvenile justice
1-48 alternative education program or is taken into custody by a law
1-49 enforcement officer. A campus behavior coordinator must comply
1-50 with this subsection by:

1-51 (1) promptly contacting the parent or guardian by
1-52 telephone or in person; and

1-53 (2) making a good faith effort to provide written
1-54 notice of the disciplinary action to the student, on the day the
1-55 action is taken, for delivery to the student's parent or guardian.

1-56 (e) If a parent or guardian entitled to notice under
1-57 Subsection (d) has not been reached by telephone or in person by 5
1-58 p.m. of the first business day after the day the disciplinary action
1-59 is taken, a campus behavior coordinator shall mail written notice
1-60 of the action to the parent or guardian at the parent's or

2-1 guardian's last known address.

2-2 (f) If a campus behavior coordinator is unable or not
 2-3 available to promptly provide notice under Subsection (d), the
 2-4 principal or other designee shall provide the notice.

2-5 SECTION 2. Section 37.002(a), Education Code, is amended to
 2-6 read as follows:

2-7 (a) A teacher may send a student to the campus behavior
 2-8 coordinator's [principal's] office to maintain effective
 2-9 discipline in the classroom. The campus behavior coordinator
 2-10 [principal] shall respond by employing appropriate discipline
 2-11 management techniques consistent with the student code of conduct
 2-12 adopted under Section 37.001 that can reasonably be expected to
 2-13 improve the student's behavior before returning the student to the
 2-14 classroom. If the student's behavior does not improve, the campus
 2-15 behavior coordinator shall employ alternative discipline
 2-16 management techniques, including any progressive interventions
 2-17 designated as the responsibility of the campus behavior coordinator
 2-18 in the student code of conduct.

2-19 SECTION 3. Section 37.007(a), Education Code, is amended to
 2-20 read as follows:

2-21 (a) Except as provided by Subsection (k), a student shall be
 2-22 expelled from a school if the student, on school property or while
 2-23 attending a school-sponsored or school-related activity on or off
 2-24 of school property:

2-25 (1) engages in conduct that contains the elements of
 2-26 the offense of unlawfully carrying weapons under Section 46.02,
 2-27 Penal Code, or elements of an offense relating to prohibited
 2-28 weapons under Section 46.05, Penal Code [uses, exhibits, or
 2-29 possesses:

2-30 [~~(A) a firearm as defined by Section 46.01(3),~~
 2-31 ~~Penal Code;~~

2-32 [~~(B) an illegal knife as defined by Section~~
 2-33 ~~46.01(6), Penal Code, or by local policy;~~

2-34 [~~(C) a club as defined by Section 46.01(1), Penal~~
 2-35 ~~Code; or~~

2-36 [~~(D) a weapon listed as a prohibited weapon under~~
 2-37 ~~Section 46.05, Penal Code];~~

2-38 (2) engages in conduct that contains the elements of
 2-39 the offense of:

2-40 (A) aggravated assault under Section 22.02,
 2-41 Penal Code, sexual assault under Section 22.011, Penal Code, or
 2-42 aggravated sexual assault under Section 22.021, Penal Code;

2-43 (B) arson under Section 28.02, Penal Code;

2-44 (C) murder under Section 19.02, Penal Code,
 2-45 capital murder under Section 19.03, Penal Code, or criminal
 2-46 attempt, under Section 15.01, Penal Code, to commit murder or
 2-47 capital murder;

2-48 (D) indecency with a child under Section 21.11,
 2-49 Penal Code;

2-50 (E) aggravated kidnapping under Section 20.04,
 2-51 Penal Code;

2-52 (F) aggravated robbery under Section 29.03,
 2-53 Penal Code;

2-54 (G) manslaughter under Section 19.04, Penal
 2-55 Code;

2-56 (H) criminally negligent homicide under Section
 2-57 19.05, Penal Code; or

2-58 (I) continuous sexual abuse of young child or
 2-59 children under Section 21.02, Penal Code; or

2-60 (3) engages in conduct specified by Section
 2-61 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.

2-62 SECTION 4. Sections 37.009(a) and (f), Education Code, are
 2-63 amended to read as follows:

2-64 (a) Not later than the third class day after the day on which
 2-65 a student is removed from class by the teacher under Section
 2-66 37.002(b) or (d) or by the school principal or other appropriate
 2-67 administrator under Section 37.001(a)(2) or 37.006, the campus
 2-68 behavior coordinator [principal] or other appropriate
 2-69 administrator shall schedule a conference among the campus behavior

3-1 coordinator [~~principal~~] or other appropriate administrator, a
 3-2 parent or guardian of the student, the teacher removing the student
 3-3 from class, if any, and the student. At the conference, the student
 3-4 is entitled to written or oral notice of the reasons for the
 3-5 removal, an explanation of the basis for the removal, and an
 3-6 opportunity to respond to the reasons for the removal. The student
 3-7 may not be returned to the regular classroom pending the
 3-8 conference. Following the conference, and whether or not each
 3-9 requested person is in attendance after valid attempts to require
 3-10 the person's attendance, the campus behavior coordinator, after
 3-11 consideration of the factors under Section 37.001(a)(4),
 3-12 [principal] shall order the placement of the student for a period
 3-13 consistent with the student code of conduct. Before ordering the
 3-14 suspension, expulsion, removal to a disciplinary alternative
 3-15 education program, or placement in a juvenile justice alternative
 3-16 education program of a student, the behavior coordinator must
 3-17 consider whether the student acted in self-defense, the intent or
 3-18 lack of intent at the time the student engaged in the conduct, the
 3-19 student's disciplinary history, and whether the student has a
 3-20 disability that substantially impairs the student's capacity to
 3-21 appreciate the wrongfulness of the student's conduct, regardless of
 3-22 whether the decision of the behavior coordinator concerns a
 3-23 mandatory or discretionary action. If school district policy
 3-24 allows a student to appeal to the board of trustees or the board's
 3-25 designee a decision of the campus behavior coordinator [~~principal~~]
 3-26 or other appropriate administrator, other than an expulsion under
 3-27 Section 37.007, the decision of the board or the board's designee is
 3-28 final and may not be appealed. If the period of the placement is
 3-29 inconsistent with the guidelines included in the student code of
 3-30 conduct under Section 37.001(a)(5), the order must give notice of
 3-31 the inconsistency. The period of the placement may not exceed one
 3-32 year unless, after a review, the district determines that[+
 3-33 [~~(1)~~] the student is a threat to the safety of other
 3-34 students or to district employees[+~~or~~
 3-35 [~~(2)~~ ~~extended placement is in the best interest of the~~
 3-36 ~~student~~].

3-37 (f) Before a student may be expelled under Section 37.007,
 3-38 the board or the board's designee must provide the student a hearing
 3-39 at which the student is afforded appropriate due process as
 3-40 required by the federal constitution and which the student's parent
 3-41 or guardian is invited, in writing, to attend. At the hearing, the
 3-42 student is entitled to be represented by the student's parent or
 3-43 guardian or another adult who can provide guidance to the student
 3-44 and who is not an employee of the school district. If the school
 3-45 district makes a good-faith effort to inform the student and the
 3-46 student's parent or guardian of the time and place of the hearing,
 3-47 the district may hold the hearing regardless of whether the
 3-48 student, the student's parent or guardian, or another adult
 3-49 representing the student attends. Before ordering the expulsion of
 3-50 a student, the board of trustees must consider whether the student
 3-51 acted in self-defense, the intent or lack of intent at the time the
 3-52 student engaged in the conduct, the student's disciplinary history,
 3-53 and whether the student has a disability that substantially impairs
 3-54 the student's capacity to appreciate the wrongfulness of the
 3-55 student's conduct, regardless of whether the decision of the board
 3-56 concerns a mandatory or discretionary action. If the decision to
 3-57 expel a student is made by the board's designee, the decision may be
 3-58 appealed to the board. The decision of the board may be appealed by
 3-59 trial de novo to a district court of the county in which the school
 3-60 district's central administrative office is located.

3-61 SECTION 5. This Act applies beginning with the 2015-2016
 3-62 school year.

3-63 SECTION 6. This Act takes effect immediately if it receives
 3-64 a vote of two-thirds of all the members elected to each house, as
 3-65 provided by Section 39, Article III, Texas Constitution. If this
 3-66 Act does not receive the vote necessary for immediate effect, this
 3-67 Act takes effect September 1, 2015.

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